



## *Florida House of Representatives*

*Eric Eisnaugle*

*Representative, District 40*

**FOR IMMEDIATE RELEASE**

March 22, 2010

**Contact:** Joe Clements

Phone: (850) 488-9770

### **EISNAUGLE "TIME LIMIT TECHNICALITY" BILL PASSES COUNCIL, ON TO FLOOR**

*~HB 1517 garners bipartisan support, gains momentum for requisite 2/3rds floor vote ~*

**ORLANDO** – Today the House Criminal & Civil Justice Policy Council passed Representative Eric Eisnaugle's (R-Orlando) House Bill 1517 to reform the Florida Supreme Court's speedy trial rule. The rule established in the Florida Rule of Criminal Procedures creates time periods to bring a defendant to trial that are far stricter than required by Florida's Constitution. The current rule can result in a permanent dismissal of prosecutions against accused criminals who have suffered neither a violation of a constitutional right nor an unfair trial. Eisnaugle's legislation lays out a common-sense framework for maintaining a defendant's rights while helping to prevent criminals from walking free on a technicality.

"The current rule treats rape and murder the same as theft, it's a one-size-fits-all policy that just doesn't work," said Eisnaugle. "That's why we are delivering a bipartisan message that we should never victimize a victim by setting their assailants free on time limit technicalities."

Florida's current speedy trial rule has led to the release of several individuals charged with, and even convicted of, murder. One example is the case of Pedro Lebron. Lebron was formally charged in late January 2005 with killing Darlene Boykin, but authorities had to drop the charges because he was not tried within 175 days of his initial arrest. In 1992, John Austin Landry was actually convicted of first-degree murder, but was set free after an appellate court determined that his trial was not held within the time required by the speedy trial rule.

Eisnaugle's bill improves the current rule by increasing the flexibility and the time prosecutors have to bring the worst criminal defendants to trial from 175 to 365 days. Under the bill, the time would begin to run from the date charges are filed instead of the date of arrest, allowing time for thorough investigations. The bill requires a two-thirds vote by the house and senate to become law.

Representative Ari Porth (D – Coral Springs) is a co-prime sponsor of HB 1517.

###